(1)

CF 15 (3)

Single Bench

IN THE HIGH COURT OF CHHATTISHGARH JUDICATURE AT BILASPUR

M.C.C. 17 / 2004

PETITIONER/

DEFENDENT NO.1 -------- Smt. Lily Kujur , Suspended Supervisor child & woman development permanent Address – Village Girang P.O – Gholeng, Tah. & Distt. – Jashpur , Office Address Chief Executive officer , Janpad Panchayat office Bagicha , P.O. Bagicha , Distt. – Jashpur.

P. R. No. 343/04
Presented by Shri Gaurishankar
dated 21.9.04

VERSUS

RESPONDENT NO.1/

PLAINTIFF ----- Munku Ram Sarthi s/o Late S.R. Sarthi , aged about 57 years ,Occu. – Service at Present Collector Jashpur, Permanent address – Village Jatri and Chakradhar Nagar Raigarh, Tah & Distt.- Raigarh (C.G.).

RESPONDENT NO.2/

DEFENDENT NO.2 ----- Anil Rateriya S/o Shyam Sundar Rateriya , Aged about 42 years , Occu.- Reporter of Dainik Bhaskar , Resi. Of Gaurishankar Road Raigarh (C.G.)

RESPONDENT NO.3/

DEFENDENT NO.3 ----- Sudhir Agarwal S/o Unknown , Publisher & Copy right through Bhaskar Printing Press , Gumbhar Complex in front of High Court , Bilaspur (C.G.)

RESPONDENT NO.4/

DEFENDENT NO.4 ------ Pran Chadda S/o Unknown , Editor of Dainik Bhaskar Bilaspur Branch, in front of High Court, Bilaspur

PETITION FOR TRANSFER OF THE SUIT U/S 24 (1) 5 OF C.P.C.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

114

आदेश पत्रक

मामला क्रमांक M.C.C. 17/04 सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6.8.2004 Smt. Hamida Siddique, counsel for the applicant. Shri B.D. Guru, counsel for respondent No.1 (plaintiff). Heard both the counsel. Learned counsel for respondent No.1 submits that he has objection even if the suit is transferred back to Raigarh. I have perused the comments sent by the District Judge, Jashpur and the District Judge, Raigarh. Perusal of the comments sent by the District Judge, Jashpur reveals that the said suit (C.S.No.13-B/2002) was transferred by the District Judge, Raigarh. Perusal of the comments sent by the District Judge, Raigarh, reveals that it has not been mentioned anything as to why the said civil suit was transferred to Jashpur when particularly in para 20 of the plaint it was specifically mentioned that the cause of action arose at Raigarh. Perusal of para 20 of the plaint annexed in this petition reveals that it was specifically mentioned that cause of action arose at Raigarh, therefore, the lear District Judge, Raigarh ought not to have transferred this suit to Jashpur as the cause of action had not arisen in the jurisdiction of Jashpur District. Therefore, the perusal of the comments sent by the District Judge, Raigarh, and that of the plaint shows that the said suit was transferred from Raigarh to Jashpur under erroneous impression.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

115

आदेश पत्रक

मामला क्रमांक MA/17/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Moreover, counsel for respondent No.1 has no objection if the suit is sent back to Raigarh. As such, the petition is allowed. Original civil suit No.13-B/2002 now registered as C.S.No.2-B/2003 in the Court of District Judge, Jashpur is hereby transferred to the Court of District Judge, Raigarh for further proceedings and disposal. Consequently, stay granted by this Court on 26.3.2004 shall stand vacated. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	